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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/898,728

Applicant(s)

RAKIB, SELIM SHLOMO

Examiner

Franklin S. Andramuno

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/15/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/25/03</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

1. Claim 3 is objected to because of the following informalities: The word upstream in line 2 is misspelled. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al (Pub No 2005/0028208 A1) in view of Huang et al (Patent No 6,437,836 B1).

Hereinafter referred as Ellis and Huang.

Regarding claim 1, Ellis discloses a system comprising: one or more transmission mediums for carrying at least upstream and downstream digital data traffic
(Remote Control (254) receives data from Set Top Box (248) and sends data to

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Television (252) in figure 36); a headend circuit coupled to all said transmission mediums and containing or coupled to one or more server computers and/or other circuits to provide at least digital data services to a plurality of customers (**The headend authorizes the user's set-top to view the ordered program using conventional signal denial or signal scrambling systems [page 1 paragraph (0007) lines 6-9]**); one or more local area networks and/or dedicated LAN segments (**Network Node Server (256) in figure 33b**) or data paths at each customer premises; one or more peripheral devices at each customer premises coupled to said one or more local area networks and/or dedicated LAN segments or dedicated data paths (**User Television Equipment (244) in figure 33b**); a plurality of gateway means at customer premises locations and coupled to all said transmission mediums and coupled to said one or more local area networks (**Set Top Box (248) in figure 36**), for receiving, demodulating and detecting digital data transmitted to one or more of said peripherals from said headend circuit and to packetize and route said data to the appropriate peripheral device via said one or more local area networks or one or more ports directly connected by dedicated lines or LAN segments to one or more peripherals (**Television Distribution facility (E.G., Cable System Headend, Satellite System, etc (16) in figure 2a**), and for managing traffic and bandwidth and rate shaping if necessary to match the data rate of data to be transmitted over a data path to the available bandwidth on that data path **[page 11 paragraph (0126)]**); and a remote control means at one or more customer premises and, at each premises, coupled by wireless digital data communication circuitry to said gateway or to said gateway through a peripheral

device (**Remote program guide access device (24) may be any suitable personal computer (PC), PDA, or other suitable computer based device [page 7 paragraph (0092) lines 2-11]**), for issuing commands to said headend circuit through said gateway and one or more transmission mediums to provide data to said one or more peripherals through said one or more transmission mediums and said gateway. **Ellis fails to show explicitly that** the remote control can control the EPG and the data upstream and downstream. Huang discloses in figure 1A the use of a palm pilot as a remote control to access and receive instructions from the set top box.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Ellis' reference to include a pda remote control to receive and access instructions from the STB. This is a useful combination because it allows the use of current Personal Digital Assitants, including recording and playing back instructions of TV programming.

Regarding claim 2, Ellis discloses the apparatus of claim 1 wherein said wireless digital data communication circuitry is a digital data transceiver and wherein said remote control means (**Remote access link (19) may be any suitable wired or wireless communications path or paths over hich digital or analog communications may take place between interactive television program guide equipment (17) [page 5 paragraph (0077) lines 9-13]**) includes a display and audio data playing circuitry (**Remote program guide access device (24) may play the video or audio for the user [page 12 paragraph (0134) lines 10-13]**) and further includes means for decompressing compressed video and/or audio data received by said transceiver and

displaying the decompressed video image data and for playing decompressed audio data **(Interactive television program guides allow the user to navigate through television program listing using a remote control. In a typical program guide, various groups of television program listings are displayed in a predefined or user-defined categories [page 1 paragraph (0004) lines 1-5]),** and further comprising means for receiving and displaying internet protocol packet data defining web pages, graphics, e-mail and other data that is received from the internet **(Remote access link (19) in figure 1 may include any suitable transmission medium. Link (19) may include, for example, a serial or parallel cable, a dial-up telephone line, a computer network or Internet link [page 7 paragraph (0094) lines 1-4]).**

Regarding claim 3, Ellis discloses a system comprising: one or more transmission mediums for carrying at least upstream and downstream digital data traffic **(Remote Control (254) receives data from Set Top Box (248) and sends data to Television (252) in figure 36);** a headend circuit coupled to all said transmission mediums and containing or coupled to one or more server computers and/or other circuits to provide at least digital data services to a plurality of customers **(The headend authorizes the user's set-top to view the ordered program using conventional signal denial or signal scrambling systems [page 1 paragraph (0007) lines 6-9]),** and including rate shaping circuitry to alter the data rate of data transmitted on or received from said transmission mediums **(Control Circuitry (42) may also send data and commands or requests back to television distribution facility (16) [page 7 paragraph (0044) lines 5-8]);** one or more local area networks or digital data buses at

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each customer premises (**Network Node Server (256) in figure 33b**); one or more peripheral devices at each customer premises coupled to said one or more local area networks or buses; at least one cable modem at each customer premises location (**User Television Equipment (244) in figure 33b**), said cable modem coupled to all said transmission mediums and coupled to said one or more peripherals via said local area networks or buses (**Set Top Box (248) in figure 36 see also [paragraph (0076) and (0086)]**); and a remote control coupled to said headend through said cable modem or coupled to said headend through one or more of said peripherals coupled to said cable modem for issuing wireless commands that get routed by said cable modem to said headend to invoke services provided by said headend circuit (**Remote program guide access device (24) may be any suitable personal computer (PC), PDA, or other suitable computer based device [page 7 paragraph (0092) lines 2-11]**).

Regarding claim 4, Ellis discloses the apparatus of claim 3 wherein said cable modem includes rate shaping circuitry to modify the data rate of data transmitted on said one or more local area networks (**Control Circuitry (42) may also send data and commands or requests back to television distribution facility (16) [page 7 paragraph (0044) lines 5-8]**), and wherein said remote control each includes a transceiver for receiving infrared or radio frequency (**Control path (34) involves the use of an infrared transmitter coupled to the infrared receiver in the videocassette recorder that normally accepts commands from a remote control such as remote control (40) [page 6 paragraph (0081) lines 8-13]**) transmissions of digital internet protocol packet data and/or compressed video and/or audio data and

decompression/conversion circuitry for decompressing any compressed video and/or audio data and converting said decompressed video and/or audio data and internet protocol packet data to signals or data that can be displayed and/or played and display circuitry for displaying **(Interactive television program guides allow the user to navigate through television program listing using a remote control. In a typical program guide, various groups of television program listings are displayed in a predefined or user-defined categories [page 1 paragraph (0004) lines 1-5])** said converted internet protocol packet data and/or converted decompressed video data and includes a speaker and/or headphone jack for playing and/or outputting analog sound data **(Remote access link (19) in figure 1 may include any suitable transmission medium. Link (19) may include, for example, a serial or parallel cable, a dial-up telephone line, a computer network or Internet link [page 7 paragraph (0094) lines 1-4]).**

Regarding claim 5, Ellis discloses a system comprising: a satellite dish for receiving downstream digital video data traffic at each customer premises location **(Remote Control (254) receives data from Set Top Box (248) and sends data to Television (252) in figure 36)**; a conventional telephone line at each customer premises location and routed to a central office headend, for carrying low speed internet protocol digital data traffic both upstream and downstream **(Remote access link (19) in figure 1 may include any suitable transmission medium. Link (19) may include, for example, a serial or parallel cable, a dial-up telephone line, a computer network or Internet link [page 7 paragraph (0094) lines 1-4])**; a digital video headend

circuit coupled to one or more video and/or other servers to transmit digital video and other data implementing one or more services to one or more satellites for retransmission to the satellite dishes at each customer premises location (**Television Distribution Facility (E.G. Cable System Headend, Satellite System, etc in figure 2a)**); a central office headend server coupled to each of said telephone lines for implementing the bidirectional transmission of internet protocol data packets to and from said customer premises and servers on the internet (**Remote program guide access device (24) and interactive television program guide equipment (17) may communicate, for example, using a protocol stack which includes Sequenced Packet Exchange/Internetwork Packet Exchange [page 7 paragraph (0095) lines 4-12]**); one or more local area networks at each customer premises; one or more peripheral devices at each customer premises coupled to said one or more local area networks (**User Television Equipment (413) in figure 33b**); a plurality of gateways, at least one at each customer premises locations, each gateway coupled to a satellite dish (**Network Node (Server (256) in figure 33b)** and to a conventional telephone line and coupled to said one or more local area networks and functioning to extract digital video and other data transmitted to one or more of said peripherals from said digital video headend and/or said central office headend server and to route said data to the appropriate peripheral device via said one or more local area networks (**Link (18) may be a satellite link, a telephone network link, a cable or fiber optic link [page 4 paragraph (0066) lines 9-12]**); and a remote control means at each customer premises coupled by wireless digital data communication circuitry to said gateway or to said

gateway through a peripheral device, for issuing commands to said digital video headend circuit and to said central office headend server through said gateway and one or more conventional telephone lines to provide data to said one or more peripherals through said satellite dish and/or a conventional telephone line and said gateway and local area network **(Remote access link (19) in figure 1 may include any suitable transmission medium. Link (19) may include, for example, a serial or parallel cable, a dial-up telephone line, a computer network or Internet link [page 7 paragraph (0094) lines 1-4]).**

Regarding claim 6, Ellis discloses a system comprising: a satellite dish for receiving downstream digital video data traffic at each customer premises location **(Remote Control (254) receives data from Set Top Box (248) and sends data to Television (252) in figure 36)**; a cable television hybrid fiber coaxial cable network (hereafter HFC network) for carrying analog television broadcast signals and high speed internet protocol digital data traffic both upstream and downstream **(Remote access link (19) in figure 1 may include any suitable transmission medium. Link (19) may include, for example, a serial or parallel cable, a dial-up telephone line, a computer network or Internet link [page 7 paragraph (0094) lines 1-4])**; a digital video headend circuit coupled to one or more video and/or other servers to transmit digital video and other data implementing one or more services to one or more satellites for retransmission to the satellite dishes at each customer premises location; a cable television headend circuit coupled to each of servers for implementing the bidirectional transmission of data packets to and from said customer premises and servers on the

internet and for implementing bidirectional transmission of data packets from said servers to said customer premises implementing other services (**Preferably remote access link (19) is bidirectional [page 7 paragraph (0094) lines 16-18]**); one or more local area networks at each customer premises (**Network Node Server (256) in figure 33b**); one or more peripheral devices at each customer premises coupled to said one or more local area networks; a plurality of gateways, at least one at each customer premises locations (**User Television Equipment (413) in figure 33d**), each gateway coupled to a satellite dish and having a cable modem included therein to couple said gateway to said HFC network (**Television Distribution Network (238) in figure 33b**) and coupled to said one or more local area networks and functioning to extract digital video and other data transmitted to one or more of said peripherals from said digital video headend circuit and/or said cable television headend circuit and to route said data in the appropriate format to the appropriate peripheral device via said one or more local area networks (**Network Node Server (256) in figure 33b**); and a remote control means at each customer premises coupled by wireless digital data communication circuitry to said gateway or to said gateway through a peripheral device (**Remote access link (19) in figure 1 may include any suitable transmission medium. Link (19) may include, for example, a serial or parallel cable, a dial-up telephone line, a computer network or Internet link [page 7 paragraph (0094) lines 1-4]**), for issuing commands to said cable television headend circuit through said gateway and said HFC network to provide data to said one or more peripherals through said HFC network and said gateway and local area network (**Server (410) in figure 33d**).

Regarding claim 7, Ellis discloses the system of FIG. 6 wherein said gateway has a conventional modem therein which interfaces said gateway to said digital video headend circuit through said remote control means and a telephone line circuit of the public service telephone network **(Remote access link (19) in figure 1 may include any suitable transmission medium. Link (19) may include, for example, a serial or parallel cable, a dial-up telephone line, a computer network or Internet link [page 7 paragraph (0094) lines 1-4])** for purposes of ordering pay-per-view events for viewing on one or more of said peripherals **(The remote access program guide may also provide a user with an opportunity to remotely order pay-per-view programs and packages [page 12 paragraph (0130) lines 1-3])**.

Regarding claim 8, Ellis discloses a system comprising: a plurality of satellite dishes for receiving downstream digital video data traffic, each satellite dish at a customer premises **(Remote Control (254) receives data from Set Top Box (248) and sends data to Television (252) in figure 36)**; a digital video headend circuit coupled to one or more video servers for transmitting digital video broadcast data to said plurality of satellite dishes via an uplink, a satellite and a downlink; a plurality of conventional telephone lines, each routed to a customer premises and each for carrying low speed internet protocol digital data traffic both upstream and downstream **(Remote program guide access device (24) and interactive television program guide equipment (17) may communicate, for example, using a protocol stack which includes Sequenced Packet Exchange/Internetwork Packet Exchange [page 7 paragraph (0095) lines 4-12])**; a plurality of gateway means, each at a customer

premises and coupled to at least one of said telephone lines and at least one of said satellite dishes (**Remote access link (19) in figure 1 may include any suitable transmission medium. Link (19) may include, for example, a serial or parallel cable, a dial-up telephone line, a computer network or Internet link [page 7 paragraph (0094) lines 1-4];** a central office server coupled to the internet and to said conventional telephone lines to provide bidirectional internet protocol data transfers between each said gateway and servers on the internet via a conventional telephone line (**Link (18) may be a satellite link, a telephone network link, a cable or fiber optic link, a microwave link, a combination of such links, an Internet link, or any other suitable communication path [page 4 paragraph (0066) lines 8-13];** one or more conventional analog televisions at each customer premises coupled to said gateway via audio and video lines (**User Television Equipment (1) (2) (3) in figure 31);** a remote control at each customer premises, and coupled by wireless digital data communication circuitry to said gateway or to said gateway through a peripheral device, for at least sending data and commands to said central office internet server through said gateway and a conventional telephone line to cause bidirectional data transfers between said gateway and said internet server (**Preferably remote access link (19) is bidirectional [page 7 paragraph (0094) lines 16-18];** each said gateway means for receiving compressed digital video broadcast data and for wireless receiving commands from said remote control, and for coordinating use of said remote control and said conventional analog television like a computer keyboard and display (**User interface (46) may be a pointing device, wireless remote control, keyboard, touch pad, etc**

[page 7 paragraph (0089) lines 1-5]), respectively, for sending and receiving internet protocol data over a conventional telephone line so as to enable use of said television and remote control and gateway like a personal computer to display web pages and/or e-mail (Reminders may be sent as e-mail messages from the interactive television program guide to remote program guide access device (24) [page 10 paragraph (0119) lines 1-3]), and for routing said compressed digital video data to a hard disk for recording or to a decompression and conversion circuit for processing for display on said television(s) or both (Remote access link (19) in figure 1 may include any suitable transmission medium. Link (19) may include, for example, a serial or parallel cable, a dial-up telephone line, a computer network or Internet link [page 7 paragraph (0094) lines 1-4]).

Regarding claim 9, Ellis discloses the apparatus of claim 8 wherein said remote control includes a display and a transceiver to receive compressed digital video broadcast data and decompression and conversion circuitry to buffer frames of said data and decompress said compressed digital video data and convert it to YUV or other format uncompressed video data that can be displayed on said display **(If the programming is stored on storage (56), it may be transmitted to remote program guide access device (24) in any suitable format, and may be converted to a digital format by a suitable analog to digital converted in remote program guide access device (24) [page 11 paragraph (0127) lines 18-25]).**

Although Ellis fails to specifically teach the use of satellite dishes as required in the independent claims, Huang et al does note in col 3 lines 25-30 that satellite


mediums are well known. Therefore, it would be obvious to use a dish to receive TV signals as another well known medium to allow for more entertainment.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Franklin S. Andramuno whose telephone number is 571-270-3004. The examiner can normally be reached on Mon-Thurs (7:30am - 5:00pm) alternate Fri off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571)272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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